



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/602,498	06/23/2000	Edward R. Howorka	P/3331-136	9543
32172	7590	12/02/2004	EXAMINER	
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP 1177 AVENUE OF THE AMERICAS (6TH AVENUE) 41 ST FL. NEW YORK, NY 10036-2714			WEISBERGER, RICHARD C	
			ART UNIT	PAPER NUMBER
			3624	

DATE MAILED: 12/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

1. Applicant and the assignee of this application are required under 37 CFR 1.105 to provide the following information that the examiner has determined is reasonably necessary to the examination of this application.

The applicant has refused to state the specific improvements of the subject matter in claims 1-31 over the disclosed prior art arguing that the examiner's 1.105 action is in conflict with U.S. Patent Law. The examiner disagrees. In the course of examining or treating a matter in a pending or abandoned application filed under 35 U.S.C. 111 or 371, the examiner or other Office employee may require the submission, from individuals identified under §1.56(c), or any assignee, of such information as may be reasonably necessary to properly examine or treat the matter. See 37 CFR 1.105. Moreover, the MPEP provides non-limiting examples of requirements for information including requirements for specific improvements of the subject matter over the prior art. See. MPEP, Paragraph 7.121. Therefor, the reply filed on 8-30-04 is not fully responsive to the prior Office Action.

2. In response to this requirement, please provide the title, citation and copy of each publication that any of the applicants relied upon to draft the claimed subject matter. For each publication, please provide a concise explanation of the reliance placed on that publication in distinguishing the claimed subject matter from the prior art.

3. In response to this requirement, please provide the names of any products or services that have incorporated the claimed subject matter.

4. In response to this requirement, please provide the names of any products or services that have incorporated the disclosed prior art. In responding to those

Art Unit: 3624

requirements that require copies of documents, where the document is a bound text or a single article over 50 pages, the requirement may be met by providing copies of those pages that provide the particular subject matter indicated in the requirement, or where such subject matter is not indicated, the subject matter found in applicant's disclosure.

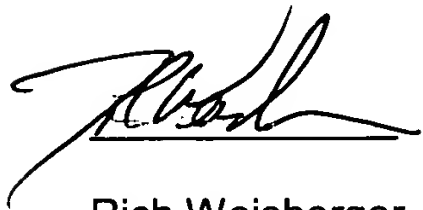
5. The fee and certification requirements of 37 CFR 1.97 are waived for those documents submitted in reply to this requirement. This waiver extends only to those documents within the scope of this requirement under 37 CFR 1.105 that are included in the applicant's first complete communication responding to this requirement. Any supplemental replies subsequent to the first communication responding to this requirement and any information disclosures beyond the scope of this requirement under 37 CFR 1.105 are subject to the fee and certification requirements of 37 CFR 1.97.

6. The applicant is reminded that the reply to this requirement must be made with candor and good faith under 37 CFR 1.56. Where the applicant does not have or cannot readily obtain an item of required information, a statement that the item is unknown or cannot be readily obtained will be accepted as a complete reply to the requirement for that item.

7. This requirement is subject to the provisions of 37 CFR 1.134, 1.135 and 1.136 and has a shortened statutory period of two months. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Application/Control Number: 09/602,498
Art Unit: 3624

Page 4

A handwritten signature in black ink, appearing to read 'Rich Weisberger', written over a horizontal line.

Rich Weisberger

Primary Examiner

A handwritten signature in black ink, appearing to read 'Vince Millin', written over a horizontal line.

Vince Millin

Supervisory Examiner